

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Carlos Lopez,
Petitioner

v.

Civil No. 06-cv-004-SM

United States of America,
Government

O R D E R

Petitioner's request for a certificate of appealability, see 28 U.S.C. § 2253(c)(1), is denied, as he has failed to make a substantial showing of the denial of a constitutional right.

To the extent petitioner asserts that a Booker¹ claim warrants allowing an appeal, the circuit has made it clear that "a mandatory minimum sentence imposed as required by statute based on facts found by a jury . . . is not a candidate for Booker error." United States v. Antonakopoulos, 399 F.3d 68, 75 (1st Cir. 2005).

SO ORDERED.



Steven J. McAuliffe
Chief Judge

March 15, 2006

cc: Jeffrey S. Levin, Esq.
Robert O. Berger, Esq.
Mark E. Howard, Esq.

¹ United States v. Booker, 543 U.S. 220 (2005).